

Filed for intro on 01/20/2000

SENATE BILL 2188

By Springer

AN ACT to amend Tennessee Code Annotated, Section 49-5-409, relative to the continuing contract law.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 49-5-409(a), is amended by designating the existing language as subdivision (a)(1), and by adding the following new subdivision:

(a)(2) Any teacher who, after completion of the statutory probationary period, receives written notice in accordance with this section of dismissal, failure of election, nonrenewal, or that tenure will not be recommended, may during the fifteen (15) days following such notification request a hearing with the board of education. Specific reasons for the nonrenewal and failure of the director of schools to recommend tenure may be requested. Either or both parties may be represented by counsel during the hearing. Such hearing shall be granted within sixty (60) days of the receipt of the teacher's request. Upon a finding by a majority vote of board members present that tenure should have been recommended, the board of education shall have the option of granting tenure to the teacher. No teacher shall be employed for any school year beyond

the completion of the statutory probationary period without a recommendation for tenure and a vote by the board of education to grant tenure.

SECTION 2. Tennessee Code Annotated, Section 49-5-409, is amended by deleting subsection (b) in its entirety and by substituting instead a new subsection (b), as follows:

(b) Without exception the notice from the director of schools must be received prior to April 15 to be applicable to the next succeeding school year; provided, that the failure to receive the required notice during the final year of the statutory probationary period shall entitle the teacher only to back pay and other damages should the teacher not find employment in another school system. Nothing in this section shall affect any rights that may have accrued, or may hereafter accrue, in behalf of any teachers or principals in any local school system under any law providing tenure of office for the teachers and principals.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.